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Dated: December 9, 2005

Signature: \_\_\_\_\_

(Leah Kjeller)

10/960138

14P8 REF. TO 09 DEC 2005

Patent

Docket No. 514862002700

Clf Ref: FC/LB 55123

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
David BERGMAN et al.

Serial No.: Not Yet Assigned

Filing Date: Concurrently Herewith

For: ASSAY DEVICE AND METHOD

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

### INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98

MS PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. Copies of foreign documents and non-patent literature are submitted herewith. Reference number 14 is a non-published international patent application, therefore a copy of the request, the specification and the drawings as filed are submitted herewith. The Examiner is requested to make these documents of record.

This Information Disclosure Statement is submitted:

- ☒ **With the application; accordingly, no fee or separate requirements are required.**
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.

- ☐ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
  - ☐ A fee is required. A check in the amount of \_\_ is enclosed.
  - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of \_\_ is enclosed.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

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In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **514862002700**.

Dated: December 9, 2005

Respectfully submitted,

By Michael R. Ward  
Michael R. Ward  
Registration No.: 38,651

MORRISON & FOERSTER LLP  
425 Market Street  
San Francisco, California 94105-2482  
Telephone: (415) 268-6237  
Facsimile: (415) 268-7522

Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>			<b>Complete if Known</b>		
			Application Number	Not Yet Assigned <b>105560138</b>	
			Filing Date	Concurrently Herewith	
			First Named Inventor	David BERGMAN	
			Art Unit	Not Yet Assigned	
			Examiner Name	Not Yet Assigned	
Sheet	1	of	2	Attorney Docket Number	514862002700

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	1.	US-5,837,115	11-17-1998	Austin et al.	
	2.	US-5,885,527	03-23-1999	Buechler	
	3.	US-6,156,270	12-05-2000	Buechler	
	4.	US-6,368,871	04-09-2002	Christel et al.	
	5.	US-6,762,059	07-13-2004	Chan et al.	
	6.	US-6,767,510	07-27-2004	Buechler	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
	7.	EP-0348006	12-15-1993	Behring Diagnostics Inc.		
	8.	EP-1120164	08-01-2001	Roche Diagnostics GmbH et al.		
	9.	EP-1371984	12-17-2003	Abbott Laboratories		
	10.	EP-0985146	03-02-2005	Purdue Research Foundation		
	11.	WO-92/01226	01-23-1992	Unilever PLC		
	12.	WO-03/103835	12-18-2003	AMIC AB		
	13.	WO-2004/037374	05-06-2004	The Trustees of Princeton University		
	14.	WO-PCT/SE2005/000787	Filed: 5-26-2005	AMIC AB		

\*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	15.	International Search Report mailed July 26, 2005, for international patent application no. PCT/SE2005/000429, filed March 23, 2005, 4 pages	
	16.	Written Opinion issued July 26, 2005, for international patent	

Examiner Signature	Date Considered
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Substitute for form 1449/PTO				Complete if Known	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				Application Number	Not Yet Assigned
				Filing Date	Concurrently Herewith
				First Named Inventor	David BERGMAN
				Art Unit	Not Yet Assigned
				Examiner Name	Not Yet Assigned
Sheet	2	of	2	Attorney Docket Number	514862002700

		application no. PCT/SE2005/000429, filed March 23, 2005, 3 pages	
	17.	International Search Report mailed September 6, 2005, for international patent application no. PCT/SE2005/000787, filed May 26, 2005, 3 pages	
	18.	Written Opinion mailed September 6, 2005, for international patent application no. PCT/SE2005/000787, filed May 26, 2005, 3 pages	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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sf-2021925